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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,138	02/08/2001	Toshiyuki Nakao	116692000300	1451
25227	7590	10/11/2005		EXAMINER
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			STULBERGER, CAS P	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/779,138	NAKAO ET AL.	
	Examiner Cas Stulberger	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 July 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6, 14, 15, 18 and 20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6, 14, 15, 18 and 20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. This action is responsive to communications: application, filed 02/08/2001; amendment filed 07/11/2005.
2. Claims 1-6, 14, 15, 18, and 20 are pending in the case. Claims 7-13, 16, 17, 19, and 21 are non-elected. Claims 1, 14, 18, and 20 are independent claims.

***Response to Amendment***

3. Applicant argues “there is no teaching or suggestion in Frederick of a system for managing a networked office automation device (such as a copier, a printer, etc.) that is arranged and networked in the work place.” Applicant’s arguments, see Amendment, filed 07/11/2005, with respect to the rejection(s) of claim(s) 1-6, 14-15, 18, and 20 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No 5,448,760 to Fredrick have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US Patent Application Publication 2003/0137685 A1 to Meade, II et al.

***Election/Restrictions***

4. Applicant’s election without traverse of Group I consisting of claims 1-5, 6-10, 15-19, and 20, in the reply filed on 01/11/2005 is acknowledged.
5. Claims 7-13, 16-17, 19, and 21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 01/11/2005.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6, 14-15, 18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2003/0137685 A1 to Meade, II.

8. In regards to claims 1, 14, 18, and 20, Meade II discloses “an apparatus for tracking usage information for an image forming device” (Meade II: Abstract). Meade II also discloses a user logs into his PC with a user name and a password. The user name and password are checked by the domain controller. The user then creates and prints a short memo. The packets carrying the print job include the user’s LAN log-in name (Meade II, page 4, paragraph 0042). This meets the limitation of “verification means for verifying operation of the office automation by a verified user in the work place.” When the print job is finished the device computes coverage and page area and joins this information to the trapped user/print job information (Meade II, page 4, paragraph 0043). This meets the limitation of “information acquisition means for acquiring device usage information including a value indicating an amount of usage of the office automation device by the verified user.” As print jobs arrive at the device a data file of user/print job/cost information is built on the hard disk (Meade II, page 4, paragraph 0043). This

meets the limitation of “information storage means for sequentially storing the device usage information acquired by the information acquisition means” and a database.

9. In regards to claim 2, Meade II discloses that the user logs in to the PC and when a print job is sent the log-in name is trapped by the device. The device later builds a data file of the user/print job/cost information on the hard disk (Meade II: page 4, paragraph 0042-0043). This meets the limitation of “user information storage means for storing user information identifying at least one user permitted to operate the device, user information input means for inputting identification information identifying a user operating the device, and user verification means for verifying a user operating a device in accordance with identification information input via the user information input means and user information stored in the user information storage means.”

10. In regards to claims 3 and 4, Meade II discloses breaking down usage into pixel/toner and paper into separate categories of costs so that a user can better automatically measure costs on a 100% pay-for-what-you-use basis (Meade II: page 5, paragraph 0051). Since the user is charged by how much they use, it is inherent that there is a reference value of price per page, for example. This meets the limitation of “amount acquisition means for acquiring a usage amount record of the office automation device based upon device usage information stored in the information storage means, comparison means for comparing the usage amount record and a reference value and producing a comparison result; and output means for outputting a message corresponding to the comparison result”

11. In regards to claim 5, Meade II discloses a printer, which contains paper and toner (Meade II: page 3, paragraph 0034). This meets the limitation of “a replacement of the replaceable, expendable component in the device.”

12. In regards to claim 6, Meade II discloses census result transaction data file where everything is fuse in the device gets counted (Meade II: page 4, paragraph 0044). This meets the limitation of “acquiring a totalized usage amount record according to the section associated with the user.”

13. In regards to claim 15, Meade II discloses the tracking apparatus collects usage information for consumables utilized to generate a print job. This enables proper allocation of costs to specific print jobs, which better enables a user to track costs for consumable usage and distribute such costs between particular print jobs and/or customers who have request generation of such print jobs via LAN environment (Meade II: page 3, paragraph 0027-0028). This meets the limitations of “processing usage information stored in the database, based on a comparison of the amount of usage and a reference value, sending a message corresponding to the comparison result to at least one of a user of the office automation device and an administrator of the office automation device.”

*Conclusion*

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cas Stulberger whose telephone number is (571) 272-3810. The examiner can normally be reached on Monday - Friday, 9:00A.M. - 6:00P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2132

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CS

CS  
October 4, 2005

Gilberto Barron Jr.

GILBERTO BARRON JR.  
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